

# EXHIBIT V

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FACEBOOK, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

I.B., by and through his Guardian ad Litem  
BRYAN FIFE and J.W., by and through his  
Guardian ad Litem STEVEN WRIGHT,  
individually and on behalf of all others similarly  
situated,

Plaintiffs,

v.

FACEBOOK, INC.,

Defendant.

Case No. 12-CV-01894 BLF

**DEFENDANT'S RESPONSES AND  
OBJECTIONS TO PLAINTIFFS' FIRST  
SET OF SPECIAL INTERROGATORIES**

**PROPOUNDING PARTY:** PLAINTIFFS I.B., BY AND THROUGH HIS GUARDIAN AD LITEM  
BRYAN FIFE AND J.W., BY AND THROUGH HIS GUARDIAN AD  
LITEM STEVEN WRIGHT, INDIVIDUALLY AND ON BEHALF OF  
ALL OTHERS SIMILARLY SITUATED

**RESPONDING PARTY:** DEFENDANT, FACEBOOK, INC.

**SET NUMBER:** ONE

Pursuant to Federal Rule of Civil Procedure 33, Defendant Facebook, Inc. ("Facebook" or  
"Defendant") responds as follows to Plaintiffs' Special Interrogatories to Defendant Facebook,

1 Inc., Set One (the "Interrogatories"):

2 **I. GENERAL RESPONSES.**

3 1. Defendant's response to Plaintiffs' Interrogatories is made to the best of  
 4 Defendant's present knowledge, information, and belief based on information reasonably  
 5 available to Defendant as of the date of this response. Said response is at all times subject to such  
 6 additional or different information that discovery or further investigation may disclose and, while  
 7 based on the present state of Defendant's recollection, is subject to such refreshing of  
 8 recollection, and such additional knowledge of facts, as may result from Defendant's further  
 9 discovery or investigation. Defendant specifically reserves the right to supplement and amend  
 10 these responses, pursuant to Federal Rule of Civil Procedure 26(e) or otherwise, and, if necessary,  
 11 to assert additional objections arising from further investigation.

12 2. Defendant's responses are and will be subject to and limited by any agreements the  
 13 parties reach concerning the scope of discovery.

14 3. Defendant reserves the right to object on any ground at any time to such other or  
 15 supplemental interrogatories as Plaintiffs may at any time propound involving or relating to the  
 16 subject matter of these Interrogatories.

17 **II. GENERAL OBJECTIONS.**

18 Facebook makes the following general objections, whether or not separately set forth in  
 19 response to each interrogatory, to each instruction, definition, and Interrogatory made in  
 20 Plaintiffs' first set of interrogatories:

21 1. Defendant objects to all definitions and Interrogatories to the extent they seek  
 22 information protected by the attorney-client privilege or the work product doctrine. Such  
 23 information shall not be provided in response to Plaintiffs' Interrogatories and any inadvertent  
 24 disclosure shall not be deemed a waiver of any privilege with respect to such information or  
 25 documents or of any work product immunity which may attach thereto.

26 2. Defendant objects to all definitions and Interrogatories to the extent they seek  
 27 information regarding Facebook users or activities outside of the United States as overly broad  
 28 and not relevant to the subject matter of this action or reasonably calculated to lead to the

1 discovery of admissible evidence. Defendant will only respond to each Interrogatory with  
2 information regarding users and activities in the United States.

3 3. Defendant objects to all definitions and Interrogatories to the extent they require  
4 Defendant to restore and/or search data sources that are not reasonably accessible on the grounds  
5 that such definitions and Interrogatories would subject Defendant to undue burden and expense.

6 4. Defendant objects to all definitions and Interrogatories as seeking information  
7 about a proposed class that does not meet the requirements for certification under Federal Rule of  
8 Civil Procedure 23. Notwithstanding any responses provided herein, Facebook reserves all rights  
9 to contest the propriety of class certification and the scope of any proposed class on any and all  
10 grounds.

11 5. Defendant objects to all definitions and Interrogatories to the extent they request  
12 documents or information pertaining to terms, policies, procedures, guidelines, public statements,  
13 disclosures, or positions other than those that are currently applicable or in use as not relevant to  
14 the subject matter of Plaintiff's claims and as not reasonably calculated to lead to the discovery of  
15 admissible evidence.

16 6. Defendant objects to Instruction number 4 to the extent it imposes on Defendant  
17 duties in excess of those called for by the Federal Rules of Civil Procedure and the Civil Local  
18 Rules.

19 7. Facebook further objects to Instruction number 7 and to all Interrogatories that call  
20 for information related to activities or events prior to October 1, 2011 as overly broad and not  
21 relevant to the subject matter of this action or reasonably calculated to lead to the discovery of  
22 admissible evidence, and because it would subject Defendant to unreasonable and undue  
23 annoyance, oppression, burden, and expense.

24 Defendant objects to the definition of "FACEBOOK" and each Interrogatory  
25 containing the term as overly broad to the extent that it purports to define Defendant to include  
26 more than Facebook and its affiliates, officers, directors, agents, and employees. Subject to and  
27 without waiving these objections, Defendant will construe the term "FACEBOOK" to refer only  
28

1 to Facebook and its affiliates, officers, directors, agents, and employees, and will respond to  
2 Interrogatory containing that term accordingly.

3 8. Defendant objects to the definition of "DOCUMENT" as overly broad to the  
4 extent the definition or those Interrogatories would impose on Defendant an obligation in excess  
5 of what is called for by the Federal Rules of Civil Procedure.

6 9. Defendant objects to the definition of the word "pertaining" as overly broad,  
7 vague, and ambiguous, and as requiring subjective judgment on the part of Defendant's attorneys  
8 and conclusions or opinion of counsel in violation of the attorney work product doctrine.  
9 Defendant further objects to the definition of "pertaining" as overly broad inasmuch as it purports  
10 to "refer[]" to all communications and meetings pertaining to the topic or matter identified in the  
11 request." Additionally, the definition is circular in that it references the term being defined within  
12 the definition.

### 13 **III. SPECIFIC OBJECTIONS AND RESPONSES TO INTERROGATORIES.**

14 Without waiving or limiting in any manner any of the foregoing General Objections, but  
15 rather incorporating them into each of the following responses to the extent applicable, Defendant  
16 responds to the specific interrogatories in Plaintiffs first set of interrogatories as follows:

#### 17 **INTERROGATORY NO. 1:**

18 Please identify, separately as to FACEBOOK Credit, Gift Card and Payment  
19 Transactions, the number of transactions that originated from FACEBOOK accounts identified as  
20 belonging or having belonged to someone less than 18 years old at the time of the transaction  
21 during each year from 2008 to date.

#### 22 **RESPONSE TO INTERROGATORY NO. 1:**

23 In addition to the General Responses and General Objections, which are incorporated  
24 herein by reference, Defendant objects to this Interrogatory on the grounds that it is overly broad  
25 and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible  
26 evidence, and would subject Defendant to unreasonable and undue annoyance, oppression,  
27 burden, and expense. Defendant objects that the number of transactions originating from  
28 accounts belonging to users under the age of 18 at the time of the transaction is not relevant to

1 Plaintiffs' claims that the minor Plaintiffs' purchases are void or voidable under California law or  
 2 to whether this action may be maintained as a class action pursuant to Federal Rule of Civil  
 3 Procedure 23. Defendant further objects to this Request as overly broad to the extent it seeks  
 4 documents potentially related to Facebook Gift Cards and Facebook Payments, which are not the  
 5 subject of Plaintiffs' lawsuit. Further, since Facebook Gift Cards are a payment *method*, not the  
 6 purchased item, transactions using Facebook Gift Cards are not distinct from transactions for the  
 7 purchase of Facebook Credits or Payments. Defendant further objects to this Interrogatory as  
 8 compound and consisting of multiple discrete subparts. Defendant additionally objects that the  
 9 phrase "identified as belonging or having belonged" is vague and ambiguous.

10 Subject to and without waiving the aforementioned objections, and pursuant to the parties'  
 11 protective order, Facebook responds as follows:

12  
 13 **CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER**

14 From February 23, 2008 to June 25, 2014, Facebook estimates that there were 13,231,136  
 15 transactions for the purchase of Facebook Credits by users whom Facebook can reasonably  
 16 ascertain were (1) under age 18 at the time of the transaction and (2) are located within the United  
 17 States.

18 From February 23, 2008 to June 25, 2014, Facebook estimates that there were 322,873  
 19 transactions in Facebook Payments by users whom Facebook can reasonably ascertain were (1)  
 20 under age 18 at the time of the transaction and (2) are located within the United States.

21 From February 23, 2008 to June 25, 2014, Facebook estimates that there were 186,789  
 22 transactions for the purchase of Facebook Credits using Facebook Gift Cards by users whom  
 23 Facebook can reasonably ascertain were (1) under age 18 at the time of the transaction and (2)  
 24 are located within the United States.

25 From February 23, 2008 to June 25, 2014, Facebook estimates that there were 16,605  
 26 transactions in Facebook Payments using Facebook Gift Cards by users whom Facebook can  
 27 reasonably ascertain were (1) under age 18 at the time of the transaction and (2) are located  
 28



1 within the United States.

2 **CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER**

3 **INTERROGATORY NO. 2:**

4 Please identify, separately as to FACEBOOK Credit, Gift Card and Payment  
5 Transactions, the total dollar amounts of such transactions that originated from FACEBOOK  
6 accounts identified as belonging or having belonged to someone less than 18 years old at the time  
7 of the transaction for the periods:

- 8 a. February 23, 2008 to March 27, 2012;  
9 b. March 27, 2012 to September 12, 2012;  
10 c. September 12, 2012 to November 12, 2013;  
11 d. November 12, 2013 to the date of your answer.

12 **RESPONSE TO INTERROGATORY NO. 2:**

13 In addition to the General Responses and General Objections, which are incorporated  
14 herein by reference, Defendant objects to this Interrogatory on the grounds that it is overly broad  
15 and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible  
16 evidence, and would subject Defendant to unreasonable and undue annoyance, oppression,  
17 burden, and expense. Defendant objects that data relating to transactions originating from  
18 accounts belonging to users under the age of 18 at the time of the transaction is not relevant to  
19 Plaintiffs' claims that the minor Plaintiffs' purchases are void or voidable under California law or  
20 to whether this action may be maintained as a class action pursuant to Federal Rule of Civil  
21 Procedure 23. Defendant further objects to this Interrogatory on the grounds that the dollar  
22 amounts involved in any such transactions or subset of such transactions is in no way relevant to  
23 Plaintiffs' claims for declaratory relief or to whether this action may be maintained as a class  
24 action pursuant to Federal Rule of Civil Procedure 23. Defendant further objects to this Request  
25 as overly broad to the extent it seeks documents potentially related to Facebook Gift Cards and  
26 Facebook Payments, which are not the subject of Plaintiffs' lawsuit. Further, since Facebook Gift  
27 Cards are a payment *method*, not the purchased item, transactions using Facebook Gift Cards are  
28

not distinct from transactions for the purchase of Facebook Credits or Payments. Defendant further objects to this Interrogatory as compound and consisting of multiple discrete subparts. Defendant additionally objects that the phrase “identified as belonging or having belonged” is vague and ambiguous.

Subject to and without waiving the aforementioned objections, and pursuant to the parties’ protective order, Facebook responds as follows:

### CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

The chart below shows Facebook’s reasonable estimate of the number of total dollar amount for purchases of Facebook Credits by users whom Facebook can reasonably ascertain were (1) under age 18 at the time of the transaction and (2) are located within the United States for the time periods indicated in the left column:

Time Period	Dollar amount
From 2008-02-23 to 2012-03-27	\$18,211,492.88
From 2012-03-28 to 2012-09-12	\$4,626,736.21
From 2012-09-13 to 2013-11-12	\$5,783,615.75
From 2013-11-13 to 2014-06-25	\$0.00
Total	\$28,621,844.83

The chart below shows Facebook’s reasonable estimate of the number of total dollar amount for purchases in Facebook Payments by users whom Facebook can reasonably ascertain were (1) under age 18 at the time of the transaction and (2) are located within the United States for the time periods indicated in the left column:

Time Period	Dollar amount
From 2008-02-23 to 2012-03-27	\$0.00
From 2012-03-28 to 2012-09-12	\$480,138.80
From 2012-09-13 to 2013-11-12	\$733,076.92
From 2013-11-13 to 2014-06-25	\$2,062,012.70
Total	\$3,275,228.42

The chart below shows Facebook’s reasonable estimate of the number of total dollar amount for purchases of Facebook Credits using Facebook Gift Cards by users whom Facebook



can reasonably ascertain were (1) under age 18 at the time of the transaction and (2) are located within the United States for the time periods indicated in the left column:

Time Period	Dollar amount
From 2008-02-23 to 2012-03-27	\$1,136,282.20
From 2012-03-28 to 2012-09-12	\$328,314.40
From 2012-09-13 to 2013-11-12	\$735,308.70
From 2013-11-13 to 2014-06-25	\$0.00
Total	\$2,199,905.30

The chart below shows Facebook's reasonable estimate of the number of total dollar amount for purchases in Facebook Payments using Facebook Gift Cards by users whom Facebook can reasonably ascertain were (1) under age 18 at the time of the transaction and (2) are located within the United States for the time periods indicated in the left column:

Time Period	Dollar amount
From 2008-02-23 to 2012-03-27	\$0.00
From 2012-03-28 to 2012-09-12	\$0.00
From 2012-09-13 to 2013-11-12	\$38,437.85
From 2013-11-13 to 2014-06-25	\$215,143.64
Total	\$253,581.50

**CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER**

**INTERROGATORY NO. 3:**

Please identify, separately as to FACEBOOK Credit, Gift Card and Payment Transactions that originated from FACEBOOK accounts identified as belonging or having belonged to someone less than 18 years old at the time of the transaction, the total dollar amounts of chargebacks for the periods:

- a. February 23, 2008 to March 27, 2012;
- b. March 27, 2012 to September 12, 2012;
- c. September 12, 2012 to November 12, 2013;
- d. November 12, 2013 to the date of your answer.

**RESPONSE TO INTERROGATORY NO. 3:**

In addition to the General Responses and General Objections, which are incorporated

herein by reference, Defendant objects to this Interrogatory on the grounds that it is overly broad and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence, and would subject Defendant to unreasonable and undue annoyance, oppression, burden, and expense. Defendant objects that data relating to transactions originating from accounts belonging to users under the age of 18 at the time of the transaction is not relevant to Plaintiffs' claims that the minor Plaintiffs' purchases are void or voidable under California law or to whether this action may be maintained as a class action pursuant to Federal Rule of Civil Procedure 23. Defendant further objects to this Interrogatory on the grounds that the dollar amounts involved in any such transactions or subset of such transactions is in no way relevant to Plaintiffs' claims for declaratory relief or to whether this action may be maintained as a class action pursuant to Federal Rule of Civil Procedure 23. Defendant further objects to this Request as overly broad to the extent it seeks documents potentially related to Facebook Gift Cards and Facebook Payments, which are not the subject of Plaintiffs' lawsuit. Further, since Facebook Gift Cards are a payment *method*, not the purchased item, transactions using Facebook Gift Cards are not distinct from transactions for the purchase of Facebook Credits or Payments. Defendant further objects to this Interrogatory as compound and consisting of multiple discrete subparts. Defendant additionally objects that the phrase "identified as belonging or having belonged" is vague and ambiguous. Defendant further objects that the term "chargebacks" is vague and ambiguous. Facebook will construe the term "chargebacks" to mean transactions that were reversed by the users' financial institution.

Subject to and without waiving the aforementioned objections, and pursuant to the parties' protective order, Facebook responds as follows:

**CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER**

The chart below shows Facebook's reasonable estimate of the number of total dollar amount for chargebacks for Facebook Credits that had been purchased by users whom Facebook can reasonably ascertain were (1) under age 18 at the time of the transaction and (2) are located

within the United States for the time periods indicated in the left column:

<b>Time Period</b>	<b>Dollar amount</b>
From 2008-02-23 to 2012-03-27	\$1,231,770.60
From 2012-03-28 to 2012-09-12	\$525,854.44
From 2012-09-13 to 2013-11-12	\$653,928.18
From 2013-11-13 to 2014-06-25	\$6,518.40
<b>Total</b>	<b>\$2,418,071.62</b>

The chart below shows Facebook's reasonable estimate of the number of total dollar amount for chargebacks in Facebook Payments by users whom Facebook can reasonably ascertain were (1) under age 18 at the time of the transaction and (2) are located within the United States for the time periods indicated in the left column:

<b>Time Period</b>	<b>Dollar amount</b>
From 2008-02-23 to 2012-03-27	\$0.00
From 2012-03-28 to 2012-09-12	\$741.29
From 2012-09-13 to 2013-11-12	\$34,670.05
From 2013-11-13 to 2014-06-25	\$188,077.40
<b>Total</b>	<b>\$223,488.75</b>

**CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER**

**INTERROGATORY NO. 4:**

Please identify, separately as to FACEBOOK Credit, Gift Card and Payment Transactions that originated from FACEBOOK accounts identified as belonging or having belonged to someone less than 18 years old at the time of the transaction, the total dollar amounts of refunds for the periods:

- a. February 23, 2008 to March 27, 2012;
- b. March 27, 2012 to September 12, 2012;
- c. September 12, 2012 to November 12, 2013;
- d. November 12, 2013 to the date of your answer.

**RESPONSE TO INTERROGATORY NO. 4:**

In addition to the General Responses and General Objections, which are incorporated herein by reference, Defendant objects to this Interrogatory on the grounds that it is overly broad

1 and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible  
 2 evidence, and would subject Defendant to unreasonable and undue annoyance, oppression,  
 3 burden, and expense. Defendant objects that data relating to transactions originating from  
 4 accounts belonging to users under the age of 18 at the time of the transaction is not relevant to  
 5 Plaintiffs' claims that the minor Plaintiffs' purchases are void or voidable under California law or  
 6 to whether this action may be maintained as a class action pursuant to Federal Rule of Civil  
 7 Procedure 23. Defendant further objects to this Interrogatory on the grounds that the dollar  
 8 amounts involved in any such transactions or subset of such transactions is in no way relevant to  
 9 Plaintiffs' claims for declaratory relief or to whether this action may be maintained as a class  
 10 action pursuant to Federal Rule of Civil Procedure 23. Defendant further objects to this Request  
 11 as overly broad to the extent it seeks documents potentially related to Facebook Gift Cards and  
 12 Facebook Payments, which are not the subject of Plaintiffs' lawsuit. Further, since Facebook Gift  
 13 Cards are a payment *method*, not the purchased item, transactions using Facebook Gift Cards are  
 14 not distinct from transactions for the purchase of Facebook Credits or Payments. Defendant  
 15 further objects to this Interrogatory as compound and consisting of multiple discrete subparts.  
 16 Defendant additionally objects that the phrase "identified as belonging or having belonged" is  
 17 vague and ambiguous. Defendant further objects that the term "refunds" is vague and ambiguous.  
 18 Defendant will construe "refunds" to mean transactions in which Facebook restored funds to a  
 19 user's payment instrument.

20 Subject to and without waiving the aforementioned objections, and pursuant to the parties'  
 21 protective order, Facebook responds as follows:  
 22

23 **CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER**

24 The chart below shows Facebook's reasonable estimate of the number of total dollar  
 25 amount for refunds other than chargeback amounts for Facebook Credits that had been purchased  
 26 by users whom Facebook can reasonably ascertain were (1) under age 18 at the time of the  
 27 transaction and (2) are located within the United States for the time periods indicated in the left  
 28



column:

<b>Time Period</b>	<b>Dollar amount</b>
From 2008-02-23 to 2012-03-27	\$367,912.24
From 2012-03-28 to 2012-09-12	\$127,251.80
From 2012-09-13 to 2013-11-12	\$135,280.40
From 2013-11-13 to 2014-06-25	\$0.00
<b>Total</b>	<b>\$630,444.44</b>

The chart below shows Facebook's reasonable estimate of the number of total dollar amount for chargebacks in Facebook Payments by users whom Facebook can reasonably ascertain were (1) under age 18 at the time of the transaction and (2) are located within the United States for the time periods indicated in the left column:

<b>Time Period</b>	<b>Dollar amount</b>
From 2008-02-23 to 2012-03-27	\$0.00
From 2012-03-28 to 2012-09-12	\$24.97
From 2012-09-13 to 2013-11-12	\$12,668.61
From 2013-11-13 to 2014-06-25	\$74,058.96
<b>Total</b>	<b>\$86,752.53</b>

**CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER**

Dated: July 17, 2014

COOLEY LLP  
 MICHAEL RHODES (116127)  
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